

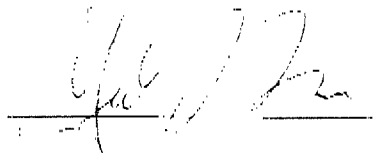
**DECLARATION OF YU-CHENG HSU UNDER 37 CFR 1.131
ANTEDATING A PRIOR ART REFERENCE**

I, Yu-Cheng (Vincent) Hsu, acknowledge that any willful false statements made herein are punishable by fine or imprisonment or both and they jeopardize the validity of the application or any patent issuing thereon. All statements made herein are made of my own knowledge and are true and all statements made on information and belief are believed to be true. I hereby declare that I am a co-inventor of U.S. Patent Application Serial No. 10/686,878 entitled APPARATUS SYSTEM AND METHOD FOR DETERMINISTICALLY TRANSFERRING DATA BY REBOOTING TO A DATA TRANSFER KERNEL, which was filed on October 16, 2003. I have recently become aware of a prior art reference which has been cited against my patent application. The reference is a U.S. Patent 7,231,547 issued to Moiroux et al. (referred to herein as "Moiroux") for DATA PROCESSING SYSTEM AND METHOD FOR DATA TRANSFER TO A NON-VOLATILE MEMORY IN CASE OF A POWER FAILURE filed on April 29, 2003.

I declare that Richard Ripberger and I invented the subject matter of my patent application prior to the Lawrence filing date of April 29, 2003. I am submitting Exhibit A which is an IBM disclosure document entitled "Disclosure TUC8-2002-0172.", Exhibit B, which is a presentation dated August 6, 2002 that describes the detail of the invention entitled "Main Idea for Disclosure TUC8-2002-0172." Exhibit C which is an engagement letter dated April 16, 2003 from IBM Attorney Dale Crockatt to attorney Brian Kunzler authorizing preparation of the patent application, and Exhibit D which is a sequence of emails dated July 10, 2003 between patent practitioners Scott Thorpe and Steve McDaniel indicating completion of a draft of the patent application.

I declare that IBM disclosure number TUC8-2002-0172 was submitted by myself for consideration as of **October 22, 2002**. See Exhibit A, Submitted date. A search was requested on **December 03, 2002** and received **January 08, 2003**. See Exhibit A, Search Information. A final decision to submit the Patent Application was made on **April 16, 2003** (See Exhibit A, Page 4, "date of final decision" field) and a letter requesting preparation of a patent application was sent that same day (See exhibit C). A draft of the patent application was sent to me on or after **July 10, 2003** by Scott Thorpe. The application was subsequently reviewed by myself and Rick Ripberger, as well as Attorney Brian Kunzler who filed a final draft of the application on **October 16, 2003**. I declare that reasonable diligence was used throughout this process.

Dated this 24 day of February, 2009



Yu-Cheng (Vincent) Hsu